HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 473 (S/S)2005

Diwan Singh
son of Sri Dalchand
presently working as Assistant Teacher,
Primary School Pipalsana,
Ramnagar
District – Nainital.

…..Petitioner.

Versus.

1. Joint Director Education Nainital
2. Basic Shiksha Adhikari, Udhamsingh Nagar.
3. Basic Shiksha Adhikari, Nainital.

….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Yadav, learned counsel for the petitioners and learned Standing Counsel for the respondents.

By means of this petition, the petitioner, who is presently working as Assistant Teacher, Primary School Pipalsana, District – Nainital, has prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioner for district Udham Singh Nagar from district Nainital on the vacant post of Assistant Teacher.

The contention of the petitioner is that the petitioner was appointed as Assistant Teacher in Basic School in District Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of

bifurcation, the petitioner was teaching in district Nainital, therefore, option was invited from the petitioner and he has opted for district Udham Singh Nagar. The respondent no. 2 has prepared a list in which name of petitioner is at serial no. 44. The petitioner has made representation several times before the Authority concerned to relieve him for the district he has opted. Till date, the respondents have not taken any decision on the representation and he is not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioner within a period of four weeks from the date of receipt of a certified copy of this order. The petitioner is directed to place the copy of this order along with their representation before the Joint Director of Education Basic Kumaon Region, Nainital/ In-charge Regional Basic Schools Kumaon Mandal within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

April 27, 2005
SKSharma